

### REMARKS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments and the following remarks.

The Applicant wishes to thank Patent Examiner Charles A. Fox for the Telephone Interview on April 10, 2006, with the undersigned attorney. The substance of this Telephone Interview is correctly set forth in the Examiner Interview Summary.

The Applicant comments upon the prior art rejections of the claims as follows.

The present invention is directed to an apparatus for emptying containers (2) of fruit and vegetable produce (3), the apparatus comprising a tipping device (9) for tipping at least one container (2) and movable between a first operating position to load said container (2), and a second operating position to unload the container (2); and a conveying device (8) having an input station (26) for receiving the container (2) from the tipping device (9), and an emptying station (32) for emptying the container (2), the conveying device (8) feeding the container (2) in a given first direction (25) and along a path

(T1) extending between said input and emptying stations (26, 32); and wherein said path (T1) is of a length (L1), measured parallel to said first direction (25), at least equal to a length (L2) of said container (2), also measured parallel to said first direction (25) such that emptying of the container (2) commences when the container (2) has been entirely unloaded from the tipping device (9) onto said conveying device (8).

Amended Claim 1 substantially encompasses the subject matter of original Claim 1 and has been amended in order to point out that the path (T1) defined by conveying device (8) is of a length (L1) at least equal to a length (L2) of the container (2) such that emptying of the container (2) commences when the container (2) has been entirely unloaded from the tipping device (9) onto the conveying device (8).

This Amendment is based on the description in the present Specification in the paragraph bridging pages 6 to 7, and on FIGS. 3-5 which show that container (2) is entirely supported by conveyors (27,28) as it is unloaded from cradle (16) and that cradle (16) moves back into an operating position for receiving a new container (2) as the unloaded container (2) is still

entirely supported by conveyors (27,28) and has not reached the emptying station (32) (see in particular FIG. 4).

The *Lotti* reference cited by the Patent Examiner is discussed in the present Specification as part of the "Background of the Invention" on pages 1 to 2. There it is stated that "More specifically, the present invention relates to an apparatus of the type described, for example, in Patent US 4,234,279, and comprising a tipping device for tipping at least one container and movable between a first operating position to load the container, and a second operating position to unload the container; and a conveying device, which has an input station for receiving the container from the tipping device, and an emptying station for emptying the container, and feeds the container along a path extending between said input and emptying stations and in a traveling direction sloping normally by an angle of other than 90° with respect to an insertion direction in which the container is inserted into the tipping device.

The apparatus also comprises an ejecting device for transferring the container from the tipping device to the conveying device at a given traveling speed when the tipping device is in the second operating position.

Since the distance, measured parallel to said traveling direction, between the input and emptying stations is less than the length of each container, also measured parallel to the traveling direction, emptying of the container commences when part of the container is still inside the tipping device.

Consequently, between commencing to empty the container and completing transfer of the container from the tipping device to the conveying device, said traveling speed must be relatively slow and at most such as to enable the container to be emptied properly.

Since the tipping device therefore remains in the second operating position for a fairly long time, known apparatuses of the above type, though widely used, have a fairly low output rate.

More particularly, the *Lotti U.S. Patent No. 4,234,279* discloses an apparatus for emptying containers of fruit and vegetable products comprising a tipping device movable between a first operating position to load a container and a second operating position to unload the container onto a conveying device. The conveying device has an input station for receiving the container from the tipping device and an emptying station

for emptying the container, and feeds the container along a path extending between the input and emptying stations.

The apparatus in *Lotti* also comprises an ejecting device for transferring the container from the tipping device to the conveying device at a given traveling speed when the tipping device is in the second operating position.

However, the *Lotti* U.S. Patent does not disclose that the path defined by the conveying device is of a length such that emptying of the container commences when the container has been entirely unloaded from the tipping device onto the conveying device. On the contrary, the *Lotti* U.S. Patent discloses that the path between the input and emptying stations of the conveying device is of a length such that emptying of the container commences when the container is still inside the tipping device. (This feature is clearly shown in FIGS. 16 and 17 of the *Lotti* U.S. Patent).

Therefore, Claim 1 as amended is novel with respect to the *Lotti* U.S. Patent.

Starting from the prior art reference to *Lotti*, the objective of the present invention is how to allow both the tipping device to return as soon as possible into its first operating position for loading the next container and how to permit the unloaded container to be emptied at a low operating speed.

According to the present invention, this objective is achieved by the apparatus according to the present invention as recited by amended Claim 1.

The *Lotti* U.S. Patent No. 4,234,279 does not recognize the above mentioned technical problem nor does it suggest the solution to this problem as claimed in the amended Claim 1.

On the contrary, the *Lotti* reference teaches to make the transit path of a length such that emptying of the container commences when the container is still inside the tipping device. This is clearly shown in FIGS. 16 and 17 of *Lotti*).

Making the transit path of a length such that emptying of the container commences when the container has been entirely unloaded from the tipping device onto the conveying device (as

claimed in amended Claim 1) achieves the following new and unexpected results. Specifically, it allows first to quickly unload the container from the tipping device and then to slowly empty the container at the emptying station while the tipping device is free to move again into its first operating position in order to load the next container.

Therefore, it is believed that the amended Claim 1 is also patentable over the *Lotti* U.S. Patent.

Amended Claims 2-7 correspond to original Claims 2-7.

New independent Claim 8 encompasses the subject matter of original Claims 1 and 2 and points out that the ejecting device (34) transfers the container (2) from the tipping device (9) to the conveying device (8) at a first traveling speed (V1) whereas the conveying device (8) feeds the container (2) through the emptying station (32) at a second traveling speed (V2) lower than the first traveling speed (V1).

With regard to page 3 of the Office Action, there is no disclosure in *Lotti* relating to any abutting containers.

On the contrary, since the path between the input and emptying stations of the conveying device disclosed in the Lotti patent is of a length such that emptying of the container commences when the container is still inside the tipping device (see FIGS. 16 and 17), the relevant ejecting device necessarily operates at the same low speed. It is therefore doubtful if Lotti allows at the same time to transfer the container from the tipping device and to empty the container without damaging its content.

Only by providing the path with a length such that emptying of the container commences when the container has been entirely unloaded from the tipping device onto the conveying device (as in the present invention) does it allow moving the container quickly out of the tipping device and slowly over the emptying station.

Therefore, Lotti does not teach or suggest how to operate the ejecting device at a speed higher than the speed of the conveying device.

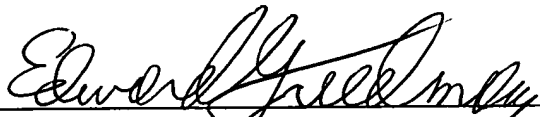
Thus, it is believed that new independent Claim 8 is novel and patentable over the disclosure of the Lotti reference.



For all the reasons set forth above, none of the prior art references provide an identical disclosure of the claimed invention. Hence, the present invention and all the claims are not anticipated under 35 U.S.C. 102, but are patentable under 35 U.S.C. 103 over all the prior art applied by the Patent Examiner.

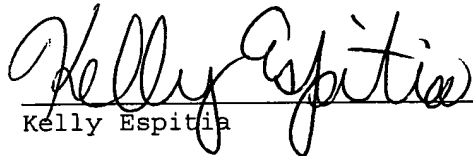
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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 27, 2006.

  
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